

**Before the
COPYRIGHT ROYALTY BOARD
Washington, D.C.**

In the Matter of:

**Notice and Recordkeeping for Use of
Sound Recordings Under Statutory
License**

Docket No. 14-CRB-0005 (RM)

Comments of the US National ISRC Agency

The US National ISRC Agency is pleased to provide these comments in response to the Notice and Recordkeeping for Use of Sound Recordings Under Statutory License (see 79 Fed. Reg. 25038).

The US National ISRC agency has been appointed by the International ISRC Agency to supervise and implement the international standard *ISO 3901 - International Standard Recording Code*. The US National ISRC Agency is operated by the Recording Industry Association of America (RIAA) in the interests of all users and potential users of this international standard and does so on a non-discriminatory basis. The International ISRC Agency is operated by the International Federation of the Phonographic Industry (IFPI) on the same basis, under an appointment from the International Organization for Standardization (ISO).

ISO 3901 - International Standard Recording Code specifies a 12-character code that can be assigned to a recording – either a sound recording or a music video recording. It identifies that specific recording without (if the assigning entity has done its job right) any ambiguity or potential for confusion. More information is contained in the ISRC Handbook.¹

The alternative to the use of identifiers such as ISRC is the use of text descriptions. This is error prone and frequently insufficient to identify a recording with sufficient precision (e.g., in the case of multiple recordings of the same song by the same artist as in the case of a studio recording and a “live” recording). Identifiers such as ISRC have been specified for exactly this reason and are widely used in many industries – such as the book supply chain that uses the International Standard Book Number (ISBN) and the academic publishing sector that uses Digital Object Identifiers (from the non-profit CrossRef) to identify articles in journals.

An ISRC stays with a recording throughout its life and, because it only identifies the unique recording, not the current owner, it does not change if the recording is sold or licensed. For this reason it is a stable identifier and does not need

¹ http://www.ifpi.org/content/library/isrc_handbook.pdf

frequent updating in databases. Different recordings of the same musical work and (importantly for these purposes) different recordings of the same work by the same artist (termed “re-records” in the SoundExchange petition) are assigned different ISRCs.

The specification for ISRC is currently under review by ISO with a view to improving access to codes for users (though not to changing the fundamentals of what an ISRC identifies and when a different code is required). Stakeholders are still discussing this and the outcome is not yet certain. Nevertheless, the US National ISRC agency is encouraging the creation of accessible databases so that users can discover the appropriate code to use to reference a particular recording. We understand that SoundExchange is creating such a database that will contain the codes that are relevant to US music users.

To assign an ISRC to a recording, the rights owner (typically the label or the artist in the case of a self releasing artist) applies to the US National ISRC agency for a prefix (a “registrant code”). There is currently a one-time fee of \$80 for this service. The prefix is valid for an unlimited period and allows the assignment of up to 100,000 codes per year – plenty for all but the most prolific creators. The registering rights owner then appends the two-digit year number (corresponding to the year of ISRC assignment) and a five-digit serial number to create a unique ISRC.

Although the assignment of an ISRC to a recording is voluntary, essentially all online music services accept an ISRC with the submission of a recording and many require it. For this reason, most new recordings in current circulation have an ISRC and rights owners are able to “back-fill” their catalogues with ISRC's.

We note that the recommendation is that an ISRC for a recording should be reported “where available.” The Copyright Royalty Board should note that the US National ISRC agency is working (and will continue to work) to ensure that the circumstances where an ISRC is not available are minimized. We are doing this through promotion of the benefits of ISRC adoption, training of those responsible for implementation, technical work with equipment suppliers and standards work to ensure that ISRC is fully accommodated in specifications that enable the documentation and transfer of recordings. In particular we should mention that the standards published by Digital Data Exchange (DDEX) – the very widely adopted suite of standards for delivery and reporting of recordings within the digital music industry – fully supports ISRC.

We commend the approach recommended by SoundExchange to the Copyright Royalty Board and stand ready to provide further information or guidance if requested.

Paul Jessop
Executive Director, US National ISRC Agency

June 30, 2014